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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,734	01/16/2004	David R. Dodds	16274.174	6366

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WORKMAN NYDEGGER
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

EXAMINER	
STAHL, MICHAEL J	

ART UNIT	PAPER NUMBER
2874	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/758,734	DODDS, DAVID R.	
	Examiner	Art Unit	
	Mike Stahl	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 15-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 15-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-4, 7-12, 15-16, and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Long et al. (US 2004/0185696). March 22, 2003 is relied upon as the effective filing date of the reference, based on provisional application 60/456361.

Claim 1: Long discloses a transceiver module for insertion in a cage having a latch that retains the module, the module comprising: a housing **13** configured to receive any one of at least two different release mechanisms, a first one of which comprises a tool configured to releasably engage the housing, each of the release mechanisms movable between a first position and a second position, wherein the cage latch is not deflected when the release mechanism is in the first position but is deflected when the release mechanism is in the second position so that the module can be removed from the cage. Figs. 1A-1B show an embodiment in which a tool (not shown) is received into slot **42** to contact the actuator **50** (see e.g. [0003]-[0005]). Figs. 2A-3D show an embodiment in which the actuator **50** itself was inventively modified to be accessible for actuation without requiring a separate tool. The housing **13** remains the same for both

embodiments. The modified actuator **50** includes a leg **56** / barb **58** structure enabling it to be secured to the slot **42** which would otherwise receive an external tool (see e.g. figs. 2B and 3B).

Claim 3: The module further includes a projection **32** extending from the housing and configured to engage the cage latch.

Claim 4: The module further includes an actuator **50** coupled to the release mechanism, the actuator having a ramped surface **54** for deflecting the cage latch when the release mechanism is in the second position.

Claim 7: When the release mechanism is an insertable release tool, the actuator **50** moves linearly to deflect the cage latch as the release tool is inserted ([0004]-[0005]).

Claim 8: The cage latch has a slot **22** through which the projection **32** projects when the release mechanism is in the first position and wherein the projection is removed from the slot when the release mechanism is in the second position.

Claim 9: The housing includes a first opening **42** to receive a first of the at least two different release mechanisms, and a second opening **42** to receive a second of the at least two different release mechanisms.

Claim 10: The housing can receive only one of the at least two different release mechanisms at the same time (the modified actuator **50** extends through the slot **42** precluding insertion of the external tool).

Claim 11: The module housing described above has an interface surface and a front side **11**. A first opening **42** and second opening **42** adjacent the front side of the interface surface, to receive respective different release mechanisms, were already indicated above with regard to

claim 9. One of the release mechanisms is an external tool as indicated above with regard to claim 1.

Claim 12: The first opening is configured to receive a rotatable handle. For example the tine-like portions of actuator **50** can be regarded as a handle, which can be manipulated (including rotation) by an operator to control the orientation of actuator **50**.

Claim 15: See above with regard to claim 10.

Claim 16: Long discloses a data transmission system comprising: a printed circuit board **14**; a cage structure (part of **12**) fixed to the PCB, the cage structure having an opening and a latch **26** adjacent the opening and a latch adjacent the opening, the latch further including a latch slot **22**; and a transceiver module **10** pluggable into the opening of the cage structure; the transceiver module having a module projection **32**, wherein the transceiver module is retained within the cage by the engagement of the module projection with the latch slot and wherein the transceiver module is removable from the cage by deflecting the latch with any one of at least two different release mechanisms to free the module projection from the latch slot, a first one of the release mechanisms comprising a tool configured to releasably engage the housing (see above with regard to earlier claims).

Claim 18: The system further comprises an actuator **50** coupled to the release mechanism, the actuator having a ramped surface **54a/b** for deflecting the cage latch.

Claim 19: See above with regard to claim 9.

Claims 1-6, 8-13, and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson et al. (US 6430053, cited in a previous information disclosure statement).

Claim 1: Peterson discloses a transceiver module for insertion in a cage having a latch that retains the module, the module comprising: a housing configured to receive any one of at least two different release mechanisms, a first one of which comprises a tool configured to releasably engage the housing, each of the release mechanisms movable between a first position and a second position, wherein the cage latch is not deflected when the release mechanism is in the first position but is deflected when the release mechanism is in the second position so that the module can be removed from the cage. In the prior art embodiment (relative to the reference) a tool (not shown) is received into slot **40** to contact the release member (see e.g. col. 1 lns. 46-58; an empty slot **40** is best seen in fig. 4). Figs. 1, 3A and 3B show the inventive embodiment in which the alternate (second) release mechanism is installed into slot **40** (figs. 4 and 5 show exploded views). The housing remains the same for both embodiments. The second release mechanism includes a clip structure **66** which snaps into the slot **40** which would otherwise receive an external tool (col. 4 lns. 26-34).

Claim 2: A second release mechanism of the at least two different release mechanisms comprises a handle **50/62** rotatably mounted **52** to the housing.

Claim 3: The module further includes a projection **32** extending from the housing and configured to engage the cage latch.

Claim 4: The module further includes an actuator **35** coupled to the release mechanism, the actuator having a ramped surface **36** for deflecting the cage latch when the release mechanism is in the second position.

Claim 5: When the release mechanism is a handle **50/62**, it is rotatably mounted to the module, and wherein the actuator moves linearly to deflect the cage latch as the handle is rotated (col. 3 lns. 41-50).

Claim 6: In one embodiment, a cover member **54** retains the handle **50/62** to the housing (via opening **58** as shown in fig. 5).

Claim 8: The cage latch has a slot **22** through which the projection **32** projects when the release mechanism is in the first position and wherein the projection is removed from the slot when the release mechanism is in the second position.

Claim 9: The housing includes a first opening **40** to receive a first of the at least two different release mechanisms, and a second opening **40** to receive a second of the at least two different release mechanisms.

Claim 10: The housing can receive only one of the at least two different release mechanisms at the same time.

Claim 11: The module housing described above has an interface surface and a front side. A first opening **40** and second opening **40** adjacent the front side of the interface surface, to receive respective different release mechanisms, were noted above with regard to claim 9. One of the release mechanisms is an external tool as indicated above with regard to claim 1.

Claim 12: See above with regard to claim 2.

Claim 13: See above with regard to claim 6.

Claim 15: See above with regard to claim 10.

Claim 16: Peterson discloses a data transmission system comprising: a printed circuit board (not shown; col. 2 lns. 62-65); a cage structure (part of **12**) fixed to the PCB, the cage

structure having an opening and a latch **26** adjacent the opening and a latch adjacent the opening, the latch further including a latch slot **22**; and a transceiver module **10** pluggable into the opening of the cage structure; the transceiver module having a module projection **32**, wherein the transceiver module is retained within the cage by the engagement of the module projection with the latch slot and wherein the transceiver module is removable from the cage by deflecting the latch with any one of at least two different release mechanisms to free the module projection from the latch slot, a first one of the release mechanisms comprising a tool configured to releasably engage the housing (see above with regard to earlier claims).

Claim 17: See above with regard to claim 2.

Claim 18: See above with regard to claim 4.

Claim 19: See above with regard to claim 9.

Claim 20: At least one of the release mechanisms is configured to deflect the cage latch using a rotational motion (via the handle **50/62**) and at least one of release mechanisms is configured to deflect the cage latch using a non-rotational motion (the linearly insertable tool).

Response to Arguments

Prior art rejections made in the last Office action are withdrawn in view of the amendments to claims 1, 11, and 16.

Conclusion

Inquiries about this letter may be directed to examiner Stahl at the number below. Inquiries of a general or clerical nature (e.g., a request for a missing form or paper, etc.) should

be directed to the technical support staff supervisor at 571-272-1626. Official correspondence which is eligible for submission by facsimile and which pertains to this application may be faxed to 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Questions about the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mike Stahl MJS
2874
571-272-2360

October 26, 2007

SUNG PAK
PRIMARY EXAMINER